

INTRODUCTION: TAKING ON THE REPUBLIC

France's open door is closing.

Christian Science Monitor, September 18, 2007

It is not yet fortress France, but the welcome mat is vanishing for immigrants.

San Francisco Chronicle and Washington Times, June 16, 2008

The issue at stake is the unfinished condition of democracy, and that issue obtains the world over: there is no such thing as the "French exception."

Yann Moulier Boutang, November 27, 2005

I BEGIN THIS ANALYSIS by exploring the ways in which France has managed to hold on to and successfully export the idea of a "French exception" while aligning itself with a broad European Union trend of immigration control and border closure for third-country nationals.¹ As this chapter's opening quotes suggest, the "French exception" narrative is indeed one of the most successful, enduring, and contradictory aspects of French political culture.² In *Reinventing the Republic*, I argue that the "exceptional" nature of the French political tradition resides rather in its ability to foreground a strong discourse of universal inclusion and equality along with its unique resistance to acknowledging exclusionary and discriminatory discourses and practices both in its past and in its present. The former has fueled productive forms of resistance and contestation within France. The latter has certainly limited their liberatory potentials.

Adrian Favell, in his comparative study of France and Britain, documents how French ruling elites, through the sheer reiteration of the "French exception" narrative, participate in the "reaffirmation of a particular national myth." Favell importantly points to the myth of French republican citizenship

2 INTRODUCTION

as a public theory “at pains to mask the recentness and artificiality of its construction and the incompleteness of the questions it focuses on.”³ Belying the dominant “French exception” narrative, Favell points to the growing influence that supranational forces have (and the related declining role of national intellectual elites) on immigration policies in France. Interestingly, in the preface to the second edition of *Philosophies of Integration*, Favell also acknowledges the unique role played by the *sans-papiers* movement in challenging the republican myth of citizenship and, in the process, generating a growing awareness of the “racially-inflected” position of “black African migrants” in France: “The outcome of the grassroots *sans-papiers* movement also revealed a new edge to French immigration politics, introducing critical arguments about human rights and ‘personhood’ in a French debate normally dominated by nationally-bounded normative considerations.”⁴ Indeed, by disrupting business as usual and inserting “critical arguments” into immigration discussions in France, the *sans-papiers* movement invites us to rethink Franco-French understandings of citizenship, national belonging, and equality. Throughout *Reinventing the Republic*, I document the various challenges leveled by the *sans-papiers* and the *sans-papières* (the women in the movement) at dominant French political narratives and their attendant administrative practices.

IMPOSSIBLE SUBJECTS, IMPOSSIBLE POLITICS

Increasingly restrictive immigration policies in France have turned large numbers of immigrants, among them many women, into *clandestins* (a label they strongly reject). By increasing police scrutiny and symbolically constructing certain immigrants as criminals and outsiders, recent immigration laws have in fact intensified the forms of civil and economic *précarité* many of them experience.⁵ Throughout the book I argue that—against the backdrop of global economic transformations, the construction of Europe, and increased national anxieties—hegemonic discursive and material practices construct certain immigrants as impossible subjects of the Republic. I borrow the term *impossible* from a small group of scholars who use the concept of *impossibility* to analyze related but different mechanisms of belonging and exclusion.⁶ In France, discursive constructions of foreigners as “impossible citizens” date back to the beginnings of the French Republic. Sophie Wahnich, in her work on hospitality and national belonging in the context of the French Revolution, documents how the foreigner takes shape (*prend forme*) through a series of discourses and practices that posit him as a potential traitor to the bud-

ding nation-state (1789–1794).⁷ Wahnich documents, among other things, the emergence of a new administrative apparatus that singles out foreigners and in the process creates different types of subjects within the Republic: “The dyad foreigner/national is constructed during the revolution on these bases, the nation can only be one and indivisible[. . .] In a revolution where the stranger remains a paradox of announced universality, the territorialization of identities is the avowal of an accepted closure of the revolutionary project.”⁸ In the ongoing tension between dreams of hospitality and needs for security of the first years of the Republic, Wahnich argues, the stated formal rights of foreigners are sharply weakened by their increased surveillance.⁹

Mae N. Ngai charts a history of immigration restriction in the United States that began after World War I, to uncover the dual and related production of illegal aliens as impossible subjects of the United States as a modern nation. Restriction, Ngai argues,

invariably generated illegal immigration and introduced that problem into the internal spaces of the nation. Immigration restriction produced the illegal alien as a new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility—a subject barred from citizenship and without rights[. . .] The illegal alien is thus an “impossible subject,” a person who cannot be and a problem that cannot be solved.¹⁰

By focusing on South Asian queer politics in the United States, Gayatri Gopinah analyzes and challenges the various processes that elide the possibility of certain subjectivities within dominant nationalist and diasporic discourses. She argues:

Given the illegibility and unrepresentability of a non-heteronormative female subject within patriarchal and heterosexual configurations of both nation and diaspora, the project of locating a “queer South Asian diasporic subject”—and a queer female subject in particular—may begin to challenge the dominance of such configurations. Revealing the mechanisms by which a queer female diasporic positionality is rendered impossible strikes at the very foundation of these ideological structures.¹¹

In this book, I use the concept of impossibility to conjure up the complex mechanisms (both material and discursive) that establish impossible subject positions within the French nation. These mechanisms include discursive practices that turn certain immigrants into unthinkable members of the national

4 INTRODUCTION

body, as well as material and legal practices that locate them in spaces of impossibility. In addition, I deploy the term *impossible* to suggest the unnerving and “unruly” forms of political intervention that these mechanisms elicit. Here I draw on the work of Monisha Das Gupta on South Asian politics in the United States, in order to evoke the ways in which immigrants are involved in political practices that question nation-based understandings of civil membership, and to show how they invent new ways to stake their claims and stage their battles.¹² In particular, like Das Gupta, I am interested in exploring the various ways in which certain immigrants “fight against multiple techniques of subordination through claims that do not rely on citizenship.”¹³ Within a “complex of rights” that draws on local, national, and transnational laws, these immigrants creatively engage the political system that has put them under erasure.¹⁴

REINVENTING CITIZENSHIP

French republicanism is often described as a unique system that has generously opened the door to political refugees, established equal rights for individual immigrants settled within the national territory, and conceptualized nationality in terms of political membership rather than ethnic descent. The French republican model of immigration is said to have successfully integrated several waves of immigrants into the national community and socialized them into the French republican culture.¹⁵ Feminist scholars, however, have forcefully argued, on the basis of the doctrine of abstract individualism and the strict division between a public (male) sphere and a private (female) sphere, that the hegemonic rhetoric of “the Republic” and “universal citizenship” is in fact based on the exclusion of women.¹⁶ Gender discrimination, they argue, is constitutive of the republican tradition. Scholars of colonialism, immigration, and race relations have also demonstrated that the republican tradition is filled with contradictions that have shaped France’s relationship toward foreigners and colonial subjects and delineated the contours of its politics of immigration. These scholars highlight the presence of processes of exclusion and racialization within the republican model of immigration and integration.¹⁷ These processes, according to French historian Gérard Noiriel, tend to be deemphasized because “the French model” is traditionally opposed to the German one and found “generous” in comparison.¹⁸ To date, however, there has been little discussion of the ways in which dynamics of racial and gender exclusion intersect to produce multiple and interrelated processes of exclusion and domination in France.

The racially inflected forms of exclusion that have resulted from the immigration and nationality laws discussed in this book are still being described by many within France as extraneous to its republican tradition. Indeed, such mechanisms are often presented as anomalies that have developed on the fertile terrain of an international economic crisis and because of the growing and perverse influence of a radical Right squarely positioned outside the republican consensus.

In *Reinventing the Republic*, I build on and depart from this interpretation in two ways. First, I argue that processes of exclusion and racialization have indeed changed over time, and increased at moments of economic and political crisis, but far from being anomalies within the French republican tradition, they are in fact *constitutive* of that tradition.¹⁹ Second, I suggest that these mechanisms, which affect entire migrant communities, must also be understood as *gendered* and *classed* processes. As a whole, *Reinventing the Republic* can be read as one intervention within recent French conversations that contest deeply entrenched understandings of the French republican tradition as uniquely inclusive and egalitarian. Recent organizing efforts in France by feminists and queers have challenged such understandings. For instance, activists involved in the parity movement and those who agitated to obtain civil unions in France, albeit in different ways, have questioned traditional constructions of citizenship in France and generated a greater public awareness of the contradictions and limits of a system rooted in abstract universal equality.

The basic goal of the parity movement was to ensure French women equal access to elective office and, more important, to enable them to represent the nation.²⁰ French parity activists (*paritaristes*) established a direct link between gender disparity within elected bodies and the lack of actual democracy in France. "By accepting the routine exclusion of women within popular representative bodies," *paritaristes* declared, "the French republic, which claims to be democratic, ranks at the tail-end of European nations in terms of female representation in parliament."²¹ To remedy the situation and begin a much needed process of democratization in France, gender parity would have to be codified into law, and voting mechanisms would have to be transformed to allow for its application.

Rejecting a politics of quotas that would point to minority rights and an American-style multiculturalism, *paritaristes* demanded that political power be equally divided between men and women.²² The inclusion of women in the political process, they insisted, would not happen on the grounds of their

ability to better represent the interests of other women but rather on the grounds of their given ability (just like men) to represent the collective interests of the nation. To render parity intelligible within the dominant idiom of the Republic, early formulations of parity were indeed strictly universalist.

Building on her early historical work on the French revolution in *Parité!* Joan Wallach Scott once again exposes the limits of a political and discursive model that produces excluded groups and categories of people who are then left to invoke their particular status (their difference) in order to make rights claims. Scott reminds us that focusing on difference is always a flawed strategy within the logic of the Republic, which historically has seen difference as not amenable to abstraction and therefore not intelligible within French universalism. By figuring the abstract individual as always already sexed, Scott tells us, the *paritaristes* managed to write women into the logic and the reach of universalism. Also, by insisting that the abstract individual is always male or female (an invocation of universal anatomical dualism), they succeeded in erasing sexual difference from the list of meaningful categories within French politics. “In a strikingly original and paradoxical move,” Scott writes, “the *paritaristes* sought to *unsex* the national representation by *sexing* the individual.”²³ In other words, *paritaristes* were able to subvert the mechanisms that have long positioned women as impossible subjects of the Republic.

Detractors of the parity movement, however, have pointed out its essentialist and elitist impulses, its naive reliance on legal remedies, and its lack of attention to other forms of inequality.²⁴ Others have critiqued the movement for its wholehearted embrace of republican models of political inclusion and representation. In particular, the *paritaristes*’ insistence that “sex is a universal difference produced, in the context of the *Pacte Civil de Solidarité* (PaCS) debate, a serious backlash.²⁵ Even Scott, who takes issue with most of these criticisms for their reductive and ahistorical stance, does concede that it is precisely the “essentialist possibilities” connected to the sexual dualism at the core of *parité* that allowed later-day *paritaristes* to reframe parity within a dangerous understanding of sexual difference (and its related normative heterosexuality) as a law of nature and therefore as the basis for modern democratic representation.²⁶

The insistence of activists on the universality of sex difference made discussions of parity possible in France and ensured the passage of the constitutional amendment that successfully concluded the campaign for parity. It also posited women (but not other groups) as worthy of representing the nation.

Here I would like to suggest that French *paritaristes* accomplished two contradictory things at the same time. On the one hand, they managed to shatter the hypocrisy of “formal” equality and highlight the ways in which, in France, men have used the very concept of abstract universalism to snatch political power and keep it. On the other hand, in the process they ignored other social hierarchies and blocked the possibility of alliances with groups that might have a shared interest in questioning the conditions of political and social inclusion within the French republican tradition. Indeed, by prioritizing sex and gender over other forms of discrimination and exploitation, the *paritaristes* and their supporters failed, in the end, to articulate the many ways in which sexual difference inflects and is inflected by other sites of difference.

As is discussed at greater length in Chapter 6, proponents of civil unions in France also worked within the boundaries of French republicanism. Indeed, the PaCS legislation provides rights and privileges to all couples regardless of their sexual orientation. In spite of its universal dressing, the agitation that led to the PaCS law was meant to address sexual inequality and the specific situation of lesbian and gay couples in France. By highlighting and politicizing some of the prerequisites of republican citizenship, such as the relegation of sexuality to the private sphere, queer activists (like *paritaristes* and *sans-papiers*) point to the various mechanisms that construct impossible subjectivities within the French Republic. Moreover, and in spite of the limitations of the PaCS legislation, it has been suggested that the very inclusion of lesbian and gay couples in French law—like the inclusion of gender parity—represents a radical challenge to the Republic and opens up a discursive and political breach for future transformations.²⁷

Reinventing the Republic foregrounds the *sans-papiers* movement and points out ways in which it might help us imagine and effect such transformations. Like Eric Fassin, French scholar and author of the manifesto *Pour l'égalité sexuelle* (For sexual equality), *sans-papiers* believe in the possibility of a radical universalism in France.²⁸ In the manifesto, Fassin invites us to imagine a republic founded on the absolute and principled rejection of any form of inequality and discrimination within its bounds. This is not a republic, however, based on abstract universal principles. Rather, it is a republic that looks hard at how it has created impossible subjects, and at how it responds, because it must, to the political challenges leveled by them.

In *Reinventing the Republic*, I read the *sans-papiers* movement as a unique political and cultural intervention. In particular, I am attentive to the creative

ways in which the *sans-papiers*—as modern French products—appropriate and transform notions of democracy, citizenship, and republican belonging. At the same time, I point out the many ways in which they have been turned into impossible subjects of the Republic.

The *sans-papiers* also alert us to the dual and contradictory mechanism that lies at the heart of the institution of citizenship. As Linda Bosniak demonstrates in *The Citizen and the Alien*, for liberal democratic societies, citizenship is always dual and contradictory. On the one hand, and within a particular nation-state, citizenship functions as the basic framework for inclusion and democratic belonging (universal citizenship). On the other hand, citizenship presupposes the existence of a limited and bounded national community based on the exclusion of nonmembers (bounded citizenship). Bosniak highlights how in many conventional accounts these two meanings get conflated. This confusion not only reduces the usefulness of the concept but also obscures the very production of stratified others embedded in the institution of citizenship. Pointing to the “romanticism” inherent in hegemonic understandings of universal citizenship, Bosniak poses a crucial question: “*who*” is it “that rightfully constitutes the subjects of the citizenship that we champion”?²⁹



Figure 1.1 Two *sans-papiers* at the megaphone. Photo by C. Raissiguier.

Societies committed to egalitarian democratic principles often attempt to solve this tension by promoting a politics of immigration control and regulation (a hardening of the border) while asserting and protecting the rights of immigrants residing within the national territory (a softening of the interior). This compromise has certainly been the hallmark of the French politics of immigration since the 1970s. Political and legal theoretical models that build on this inside/outside dichotomy and rely on the insularity of the nation-state are flawed, Bosniak contends. They ignore the increasingly porous quality of borders and cannot address the ways in which rules of citizenship, which include the terms of entry and residency at the border and the rights afforded to aliens on the inside, shape and construct one another.

Notwithstanding the political and analytical usefulness of Bosniak's study and her acknowledgment that "identity" is indeed one of the core elements of citizenship, *The Citizen and the Alien* falls within a broad body of scholarship that treats citizenship primarily as a legal and political concept. By analyzing different technologies of power that construct impossible subject positions within the Republic, as well as the resistive strategies that those who inhabit these positions are bound to deploy, my analysis treats citizenship as a mechanism of subject formation. Here I draw from the work of Aihwa Ong, who conceptualizes citizenship as subject-making and calls for analyses that focus on "the everyday processes whereby people, especially immigrants, are made into subjects of a particular nation-state."³⁰ *Reinventing the Republic* analyzes these processes by looking simultaneously at the ways in which *sans-papiers* are being made and at the ways in which they are making themselves within the confines of the French political tradition. In particular, it argues that the *sans-papiers* draw on the foundational discourse of the Republic to insert themselves into its civil community and, in the process, transform the very terms of its belonging.

Reinventing the Republic documents the ways in which *sans-papiers* fight over political representation and explores the meanings attached to their presence in France. The book discusses the innovative strategies deployed by the *sans-papiers*. In particular, it highlights how they have rendered visible their impossible social location and the various processes that have positioned them there. My analysis underscores the unruly practices deployed by the *sans-papiers*. Indeed, by insisting that they must come out "in broad daylight," and by taking charge of their own movement, they refuse the dominant logic that would rather keep them hidden and silent. In a similar way, by resisting

the multiple forces that make them unintelligible both within and outside the movement, undocumented women, *sans-papiers*, have inserted themselves within the French political sphere and have claimed their right to participate in the matters of the Republic. In many ways, then, the *sans-papiers* enact and demand what Bosniak proposes as a bold and logical—if paradoxical—possibility: the citizenship of (undocumented) aliens.

As I discuss in Chapter 2, one of the most innovative moves made by the *sans-papiers* is their organization around an identity of lack, which has enabled them to focus on the structural forces that shape their everyday lives and to collaborate politically with other groups that share this constructed lack. Within the confines of French political culture, this is indeed a brilliant move. Focusing on a shared social location makes it possible for the *sans-papiers* to stake claims based on the principled rejection of the structural and systemic production of stratified others. By avoiding the language of “difference” and focusing on the universal dignity of the person, they render these claims audible within the French Republic and open up the possibility for coalition politics both within France and beyond its borders. The *sans-papiers* are not staking their claims on the basis of belonging to a national community or on the basis of status citizenship but rather on the rights that “being here” affords them.³¹ The *sans-papiers* draw on a variety of legal discourses that offer them different rights at the local, national, and supranational levels. By unlinking citizenship from national belonging, the *sans-papiers* align themselves with current discussions that challenge the hegemony of the national-citizen coupling within liberal democratic societies.³² Finally, by focusing on the concrete ways in which discursive and material practices undermine the basic rights to which they are entitled, the *sans-papiers* help disrupt notions of abstract universalism that dominate French political parlance.

Taking *sans-papiers*’ narratives seriously and focusing on the gender underpinnings of the local and global forces that locate them in spaces of impossibility illustrates how the intersection of multiple social forces shapes French politics of immigration and immigrant women’s everyday lives. The interviews included in this book shed light on the ways in which economic forces and gender stratification, for instance, have contributed to the “clandestinization” and “precarization” of certain immigrant women in the context of the restrictive turn in immigration policies in France. *Reinventing the Republic* documents the many ways in which immigrant women are locked within tradition and the domestic sphere. I argue throughout that this is one of the key

mechanisms by which women are located within zones of impossibility. The book also demonstrates that *sans-papiers* critically engage French laws and administrative practices that continue to place them in zones of impossibility. In particular, they demand that they be granted rights as individuals and not as members of families.

Like other immigrant women before them, then, *sans-papiers* understand and advocate for women's legal autonomy and the individuation of immigration rights. These claims, however, never became central within the *sans-papiers* movement. Throughout I document the myriad and complex ways in which women are linked to the family. By juxtaposing parallel but different processes that place certain immigrants and queers outside conventional and normative understandings of family and nation, *Reinventing the Republic* suggests that extending the "impossible subject" label to other stratified "others" such as women and queers could help activists articulate stronger connections between different struggles and draw political leverage from these linkages. It would also help avoid the pitfalls and blind spots of political analyses that focus on single axes of subjugation.

CHAPTER OUTLINE

The book begins with a brief introduction to the movement, its actors, and the political and theoretical challenges they raise for political and academic observers. Chapter 1 follows the *sans-papiers* during the first two years of the struggle. By using the published writings of Madjiguène Cissé, a spokesperson for the *sans-papiers*, the chapter highlights the central presence of women in the early stages of the movement. It also begins to analyze how gender relations helped shape the contours of this social movement.

Chapter 2 analyzes in greater depth these undocumented immigrant women and their relationship to the movement and to French civil society. It opens with a discussion of the particular framing of the *sans-papiers* and other immigrant women in France. The ideas introduced at the beginning of the chapter are then illustrated by a detailed analysis of the media coverage of the *sans-papiers* movement at the time of the Saint-Bernard church occupation. The chapter ends with an analysis of a set of *sans-papiers* interviews collected by a feminist organization in the late 1990s in order to contrast these stories with those spun out by the media. The chapter introduces recurring themes within *sans-papiers*' narratives. It also presents gender as a key analytical category through which the *sans-papiers*, their movement,

and more broadly speaking, French immigration politics must be read and understood.

Concerns about motherhood, families, and demography lie at the core of the French politics of immigration. By focusing on recent constructions of the *sans-papiers* as (threatening) mothers, Chapters 3 and 4 highlight a troubling development within the French politics of immigration. Anti-immigrant sentiment, it argues, has increasingly shifted its focus from immigrant men to immigrant women and children. In France this shift occurred along with the transfer from labor migration to family migration in the mid-seventies. Both chapters show how some immigrant women—especially from Africa—are constructed as mothers and wives and locked into “domestic” and “traditional” roles within French society.

Chapter 3 focuses specifically on legal texts and administrative practices, especially those surrounding family reunification policies that have shaped the social location of many immigrant women in France. Chapter 4 analyzes French scholarly production, media constructions, and social service practices to further shed light on the complex ways in which discourses on African motherhood constitute, in part, the material realities of African women in France. Both chapters foreground women’s narratives to underscore how African women themselves, especially in the *sans-papiers* movement, critique, resist, and transform the discursive and material processes that make them impossible subjects of the French republic. Taken together, these two chapters illustrate the various ways in which the image of the “African mother” rearticulates old colonial understandings of African people and Africa to racialize certain immigrant communities and the question of immigration in France.

Contrary to popular imaginings, the bulk of the *sans-papiers* are working women. Often bringing home ridiculous wages and laboring under terribly precarious and difficult conditions, most of them occupy positions in French sweatshops, work for small family businesses that have flourished in the underground economy, or sell their services as domestics and sex workers. Although many of them provide lucid and complex criticisms of the transnational relations of production and exploitation that are shaping their work experiences, none of them express the desire to give up wage labor and its attendant but varying levels of economic independence. Chapter 5 links the emergence of personal identities to the larger phenomena of economic restructuring, national and transnational politics, and population movements.

Borrowing the cadence of French militant chants (“Chicks, fags, migrants: solidarity!”), Chapter 6 analyzes the PaCS law and the parliamentary debates that led to its passage. My analysis sheds light on little-studied links between racism, homophobia, and sexism in France. By analyzing the connections between anti-immigrant and antigay rhetoric, the chapter illustrates some of the ways in which hegemonic discourses that construct certain people as impossible subjects borrow from and articulate with one another.

. . .

The *sans-papiers* regularly invoke and criticize the language of the Republic; their manifestoes, public speeches, and political slogans speak that language but also demand that it translate into actual gains for them and their loved ones. Through a feminist analysis of the movement, its actors, and their rhetorical strategies, *Reinventing the Republic* uncovers at one and the same time the radical possibilities as well as the limits of the discourse of the French republic. Throughout I argue that in spite of its deep contradictions, French republicanism does offer powerful resistive tools to the *sans-papiers* and others *sans* rights in France. By insisting on both the usefulness and the limits of the French republican tradition, this book offers an analysis that refuses simple either-or solutions to one of most complex political issues facing France today.